



**Purchasing Division
200 W. Willis Street
Leander, TX 78641
www.leandertx.gov**

Solicitation #S16-017

**REQUEST FOR QUALIFICATIONS
UNDERWRITER POOL**

Responses Due: July 7, 2016



**REQUEST FOR QUALIFICATIONS
UNDERWRITER POOL**

PART I

GENERAL

1. **PURPOSE:** The City of Leander, herein after “City”, seeks to enter into one or more agreements with a qualified Individual, Firm or Corporation, herein “Respondent”, to provide underwriter services.
2. **BACKGROUND:** The City of Leander is located just north of Austin, Texas and experiencing tremendous residential and commercial growth. The City seeks to establish trusted relationships with qualified underwriters to create a pool of providers to utilize on a rotating and as needed basis. Pool of providers is anticipated to be five underwriters.
3. **DEFINITIONS, TERMS AND CONDITIONS:** By submitting a response to this solicitation, the Respondent agrees that the City’s standard Definitions, Terms and Conditions, in effect at the time of release of the solicitation, shall govern but shall be superseded by those terms and conditions specifically provided for otherwise within this solicitation, in a separate agreement or on the face of a purchase order. The City’s Definitions, Terms and Conditions are herein made a part of this solicitation and can be found on the City’s website by visiting <http://www.leandertx.gov/rfps>.
 - 3.1. Any exception to or additional terms and conditions attached to the response will not be considered unless respondent specifically references them on the front of the Solicitation Document. **WARNING:** Exception to or additional terms and conditions may result in disqualification of the response.
4. **ATTACHMENTS:** The following attachment is herein made a part of the solicitation:
 - 4.1. Attachment A: CIQ Form
5. **CLARIFICATION:** For questions or clarifications of specifications, you may contact:

Joy Simonton
Purchasing Agent
City of Leander
Telephone: 512-528-2730
jsimonton@leandertx.gov

The individual listed above may be contacted by telephone or visited for clarification of the specifications only. No authority is intended or implied that specifications may be amended or alterations accepted prior to solicitation opening without written approval of the City of Leander through the Purchasing Department.
6. **RESPONDENT REQUIREMENTS:** The opening of a solicitation shall not be construed as the City’s acceptance of such as qualified and responsive.
 - 6.1. Respondents shall be firms, corporations, individuals or partnerships normally engaged in the underwriting services field.
7. **EVALUATION AND CRITERIA:** Respondents may be required to make an oral presentation to the selection team to further present their qualifications. These presentations will provide the

Respondent the opportunity to clarify their proposal and ensure a mutual understanding of the services to be provided and the approach to be used.

In determining the most qualified respondents the City may consider:

- Experience, knowledge and qualifications;
- Reputation of respondent;
- Texas municipal underwriting experience;
- Financial position of firm;
- Regulatory violations and legal matters;
- Fee structure;
- Any relevant criteria specifically listed in the solicitation.

7.1. The City reserves the right to reject any or all responses, or delete any portion of the response, or to accept any response deemed most advantageous, or to waive any irregularities or informalities in the response received that best serves the interest and at the sole discretion of the City.

8. **COMMITTEE REVIEW:** An evaluation committee will review each response for solicitation compliance and respondent qualifications.

The evaluation process may reveal additional information for consideration. The City reserves the right to modify, without notice, the evaluation structure and criteria to accommodate these additional considerations to serve the best interest of the City.

9. **POOL SELECTION:** The City reserves the right to select or use any combination of respondents that best serves the interest and at the sole discretion of the City.

9.1. City intends to create a rotating list of those successful respondents to be utilized as needed.

9.2. Pool selection announcement will be made upon City Council approval of staff recommendation. Pool selection will appear on the City's website at <http://www.leandertx.gov/rfps>.

9.3. Chapter 176, Texas Local Government Code requires that disclosures be made of certain business relationships with the City. Local government officers are the members of the City Council, the City Manager, and other City employees or agents who exercise discretion in planning, recommending, selecting and contracting of a vendor. Please contact the City Secretary for a list of additional City employees and agents who may qualify as local government officers. Click here [Chapter 176, Texas Local Government Code](#), to review this requirement.

9.3.1. The Local Government Officers that may be involved in the selection and recommendation of this pool are:

Christopher Fielder, Mayor
Andrea Navarrette, Council Member Place 1
Michelle Stephenson, Council Member Place 2
Shanan Shepherd, Council Member, Place 3
Ron Abruzzese, Council Member Place 4
Jeff Seiler, Council Member Place 5
Troy Hill, Council Member Place 6
Kent Cagle, City Manager
Tom Yantis, Assistant City Manager
Robert Powers, Finance Director
Joy Simonton, Purchasing Agent
Paige Saenz, City Attorney

- 9.3.2. A completed CIQ Form, herein Attachment A, is required with each response.
- 9.3.3. Upon hire for specific underwriting assignment, respondent will be required to submit Form 1295 to the State of Texas electronically.

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

- 10. **POOL STRUCTURE**: Each selected underwriter shall receive a memo of understanding (MOU) informing them of their selection to participate in the pool.
 - 10.1. City shall review and approve each selected pool underwriter annually for continued exemplary qualifications.
 - 10.2. Placement in the pool shall be perpetual unless otherwise decided by City.
 - 10.3. Subsequent Request for Proposals may be issued to augment pool list.
 - 10.4. If the Respondent fails to perform its duties in a reasonable and competent manner, the City shall give written notice to the Respondent of the deficiencies and the successful Respondent shall have thirty (30) days to correct such deficiencies. If the Respondent fails to correct the deficiencies within the thirty (30) days, the City may terminate any agreement by giving the Respondent written notice of termination and the reason for the termination. Respondent may then be removed from pool.

PART II

SCHEDULE

- 1. **SOLICITATION SCHEDULE**: It is the City's intention to comply with the following solicitation timeline:

- | | |
|---|----------------------|
| 1.1. Solicitation released | June 23, 2016 |
| 1.2. Deadline for questions | July 1, 2016 |
| 1.3. City responses to all questions or addendums | July 5, 2016 |
| 1.4. Responses for solicitation due at or before 3:00 PM | July 7, 2016 |

All questions regarding the solicitation shall be submitted in writing at or before 5:00 PM on the due date noted above. A copy of all the questions submitted and the City's response to the questions shall be posted on our webpage, <http://www.leandertx.gov/rfps>. Questions shall be submitted to the City contact named herein.

The City reserves the right to modify these dates. Notice of date change will be posted to the City's website.

Any contact with the City staff or City Council Members other than the Purchasing Agent regarding this solicitation during the process may be reason for elimination for the selection process.

- 2. **SOLICITATION UPDATES**: Respondents shall be responsible for monitoring the City's website at <http://www.leandertx.gov/rfps> for any updates pertaining to the solicitation described herein. Various updates may include addendums, cancelations, notifications, and any other pertinent information necessary for the submission of a correct and accurate response. The City will not be held responsible for any further communication beyond updating the website.
- 3. **RESPONSE DUE DATE**: Signed and sealed responses are due at or before **3:00 PM**, on the date noted above to the Purchasing Department. Mail or carry sealed responses to:

FedEx, UPS or Hand Deliver to:

**City of Leander
Purchasing Department
200 W. Willis
Leander, Texas 78641**

Mail to:

**City of Leander
Purchasing Department
PO Box 319
Leander, TX 78646**

- 3.1. Responses received after this time and date shall not be considered.
- 3.2. Sealed responses shall be clearly marked on the outside of packaging with the Solicitation title, number, due date and **“DO NOT OPEN”**.
- 3.3. Facsimile or electronically transmitted responses are not acceptable.
4. **COSTS INCURRED:** Respondent shall acknowledge that the issuance of a solicitation shall in no way obligate the City to award a contract or to pay any costs associated with the preparation of a response to said solicitation. The costs in developing and submitting proposals, preparing for and participating in oral presentations or any other similar expenses incurred by a Respondent are the sole responsibility of the Respondent and shall not be reimbursed by the City.

PART III

SPECIFICATIONS

1. **SCOPE:** The City of Leander, herein after “City”, seeks to enter into one or more agreements with a qualified Individual, Firm or Corporation, herein “Respondent”, to provide underwriter services.

The City seeks to establish trusted relationships with qualified underwriters to create a pool of providers to utilize on a rotating and as needed basis. Pool of providers is anticipated to be five underwriters.
2. **FINANCIAL ADVISOR:** The City has engaged First Southwest, a division of Hilltop Securities, as a financial advisor for the issuance of all debt.
3. **SELECTION:** City intends to select underwriters from the pool created from this solicitation on a rotating basis. City reserves the right, however, to select the underwriter best suited for each specific project.

PART IV

RESPONSE REQUIREMENTS

1. **SOLICITATION SUBMISSION REQUIREMENTS:** To achieve a uniform review process and obtain the maximum degree of comparability, the responses shall be organized in the manner specified below. Responses **shall not exceed twenty (20) pages** in length (excluding title page, index/table of contents, work sample attachments (on CD) and dividers). Information in excess of those pages allowed will not be evaluated. One page shall be interpreted as one side of a printed, 8 1/2” X 11”

sheet of paper. It is recommended that responses not be submitted in ringed binders or metal spirals to conserve cost for both the Respondent and the City.

The Respondent shall submit **one (1) original signed paper copy and two (2) copies** of its Response.

In addition, the Respondent shall submit one (1) CD or flash drive, each containing a complete copy of Respondent's submission in an acceptable electronic format (PDF, RTF, TXT, DOC, XLS). A complete copy of the Response includes all documents required by this Solicitation. The CD or flash drive shall be titled: "SOLICITATION NUMBER - Complete copy of [Name of Respondent]'s submission." **Failure to provide a CD or flash drive may result in disqualification for award.**

If supplemental materials are included with the Response, each CD or flash drive must include such supplemental materials. The Response and accompanying documentation are the property of the City and will not be returned.

TAB #1

1.1. Title Page (1 page) – Show the solicitation title and number, the name of your firm, address, telephone number(s) name of contact person and date.

TAB #2

1.2. Letter of Transmittal (1 page) – Identify the services for which the solicitation has been prepared.

1.2.1. Briefly state your firms understanding of the services to be performed and make a positive commitment to provide the services as specified.

1.2.2. Provide the name(s) of the person(s) authorized to make representations for your firm, their title(s), address, telephone number(s) and e-mail address.

1.2.3. The letter of transmittal shall be signed in permanent ink by a corporate officer or other individual who has the authority to bind the firm. The name and title of the individuals(s) signing the solicitation shall be clearly shown immediately below the signature.

TAB #3

1.3. Table of Contents (1 page) – Clearly identify the materials by Tab and Page Number.

TAB #4

1.4. Profile and Experience – Respondent shall provide detailed information on the following:

1.4.1. Firm history, management, ownership and date founded.

1.4.2. Provide any recent changes to the firm management or ownership.

1.4.3. Firm headquarter location, size and number of employees.

1.4.4. Location of municipal trading desks.

1.4.5. Firm experience, knowledge and qualifications pertaining to this specific scope of work.

1.4.6. Firm's Texas municipality financing experience.

TAB #5

1.5. Designated Team and References – Respondent shall provide detailed information and **resumes** key personnel assigned to work for and assist the City. Information shall include but not be limited to:

1.5.1. Name, title and qualifications

1.5.2. Number of years in public finance

1.5.3. Number of years with current firm and office location

1.5.4. Respondent shall provide the name, address, telephone number and e-mail address of a primary contact for at least three (3) municipalities or organizations of similar size that have utilized similar services from the **designated lead underwriter** your organization, within the last three (3) years. Include a brief overview of the work performed with associated fees charged. References may be checked prior to

award. Any negative feedback received may result in disqualification of submittal.
Attachment A may be used for a portion of the response.

TAB #6

- 1.6. Financial Position – Provide equity capital position (total equity capital, net equity capital, excess net equity capital) in accordance with GAAP or corresponding equity information if a bank as of December 31, 2015. **Do not refer to the annual audit as a response to this item.**

TAB #7

- 1.7. Regulatory Matters – Respondent shall provide information pertaining to litigation pending or past or any disciplinary actions or regulatory violations noted.

TAB #8

- 1.8. CIQ Form – Attachment A, the Conflict of Interest Questionnaire, must be completed and returned with the response.

PART V

1. **CONFIDENTIALITY OF CONTENT:** All documents submitted in response to a solicitation shall be subject to the Texas Public Information Act. Following an award, responses are subject to release as public information unless the response or specific parts of the response can be shown to be exempt from the Texas Public Information Act. Pricing is not considered to be confidential under any circumstances.
 - 1.1 Information in a submittal that is legally protected as a trade secret or otherwise confidential must be clearly indicated with stamped, bold red letters stating "CONFIDENTIAL" on that section of the document. The City will not be responsible for any public disclosure of confidential information if it is not clearly marked as such.
 - 1.2 If a request is made under the Texas Public Information Act to inspect information designated as confidential, the Respondent shall, upon request from the City, furnish sufficient written reasons and information as to why the information should be protected from disclosure. The matter will then be presented to the Attorney General of Texas for final determination.
2. **ETHICS ORDINANCE AND DISCLOSURE STATEMENTS:** The City's Ethics Ordinance requires persons seeking to enter discretionary contracts with the City or appearing before the City Council or another City board or body to disclose certain conflicts of interest. The relevant sections of the Ethics Ordinance are set forth below. The Ethics Ordinance can be found in Article 9.05, Chapter 9 of the City's Code of Ordinances at the following link:
<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leanderset>

Sec. 9.05.007 Persons doing business with the city

(a) Persons seeking discretionary contracts.

- (1) For the purpose of assisting the city in the enforcement of provisions contained in this article, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in [sections 9.05.004](#) and [9.05.005](#) of this article. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this article.
- (2) Subsection (a) of this section will become a permanent footnote on documents contained in city bid packets for discretionary contracts.

- (b) Disclosure of conflicts of interest by persons appearing before a board or city body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:
- (1) An employee or officer of the city that advises or makes presentations to the board or city body; or
 - (2) Any member of the board or city body; has or may have a conflict of interest pursuant to chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

Sec. 9.05.009(f) Disclosure by persons appearing before a city body. Any person who appears before any city body who has had business dealings within the preceding 12-month period involving one or more transactions of five hundred dollars (\$500.00) or more each quarter, or for a total of twenty-five hundred dollars (\$2,500.00) or more, within the preceding 12-month period with a councilmember, commissioner, or business entity in which a councilmember or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this article.

ATTACHMENT A

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information in this section is being disclosed.

Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more?

☐ Yes

☐ No

D. Describe each employment or business and family relationship with the local government officer named in this section.

4

Signature of vendor doing business with the governmental entity

Date